
IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH

GREGORY LOUIS PECK,

Plaintiff,

v.

STATE OF NEW HAMPSHIRE, JOE
BIDEN, AND KAMALA HARRIS,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:20-cv-00861-JNP-DAO

Judge Jill N. Parrish

Magistrate Daphne Oberg issued a Report and Recommendation that plaintiff Gregory Louis Peck's action be dismissed without prejudice for failure to serve the complaint within the time allotted by Rule 4(m) of the Federal Rules of Civil Procedure. Judge Oberg notified Peck that a failure to file a timely objection to her recommendation could waive any objections to it. No objection was filed within the allotted time.

Because no party objected to the Report and Recommendation, any argument that it was in error has been waived. *See United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). The court will decline to apply the waiver rule only if "the interests of justice so dictate." *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991). The court has reviewed the Report and Recommendation and concludes it is not clearly erroneous. Thus, the court finds that the interests of justice do not warrant deviation from the waiver rule and ADOPTS IN FULL the Report and Recommendation.

Accordingly, the court ORDERS as follows:

1. The Report and Recommendation, ECF No. 7, is ADOPTED IN FULL.

2. The court dismisses the plaintiff's action without prejudice for failure to timely serve the complaint.

SO ORDERED July 1, 2021.

BY THE COURT:

A handwritten signature in purple ink, reading "Jill N. Parrish", is written over a horizontal line.

JILL N. PARRISH
United States District Judge